

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 APR 17 AM 10:13

CLERK OF DISTRICT COURT
BY: **08 MJ 1177** DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rosario GONZALEZ

AKA: Rosario GONZALEZ-Acosta

Defendant.

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section

1324(a)(2)(B)(iii)-

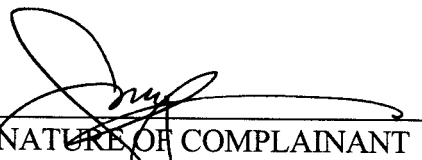
Bringing in Illegal Alien

Without Presentation

The undersigned complainant being duly sworn states:

On or about **April 16, 2008**, within the Southern District of California, **Rosario GONZALEZ A.K.A Rosario GONZALEZ-Acosta**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Pedro JIMENEZ-Vasquez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 17th day of **April, 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Pedro Jimenez-Vazquez** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 16, 2008, at approximately 4:15 AM, **Rosario GONZALEZ AKA: Rosario GONZALEZ-Acosta (Defendant)** was awaiting application for admission into the United States from Mexico at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a blue 1984 Mercury Cougar bearing California license plates. A United States Customs and Border Protection (CBP) Canine Enforcement officer was performing pre primary roving operations when his Narcotic/Human Detection Dog (N/HDD) alerted to the blue Mercury Cougar. The Canine officer requested assistance from another CBP officer who approached Defendant and initiated an inspection. Defendant told the officer he was not bringing anything from Mexico and that the vehicle belonged to a friend. The CBP officer conducted a cursory inspection of the vehicle and noticed a non-factory compartment located between the rear seat and trunk of the vehicle. Upon pulling on the rear seat rest of the vehicle, the CBP officer discovered a male concealed within the compartment. The vehicle and its occupants were subsequently escorted to the secondary for further inspection.

In the secondary, CBP officers released a latch securing the back seat rest and assisted the male from the compartment. The male was determined to be a citizen and national of Mexico without entitlements to enter the United States and is now identified as **Pedro Jimenez-Vazquez (Material Witness)**.

During a videotaped interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant denied knowledge of the concealed alien. Defendant stated he thought there were narcotics concealed in the vehicle. Defendant admitted he was to be paid \$500.00 USD to drive the vehicle into the United States. Defendant admitted he was to deliver the vehicle to San Diego, California.

A videotaped interview was conducted with Material Witness. Material Witness admitted he is a citizen of Mexico without documents to lawfully enter the United States. Material Witness stated he made arrangements with two unknown males in Mexico and was to pay \$1,000.00 USD to be smuggled into the United States. Material Witness stated he was going to the United States to seek employment.